

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 1:07-cr-155-02

v.

HONORABLE PAUL L. MALONEY

TIMOTHY POPE

Defendant.

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MEMORANDUM OPINION AND ORDER

Defendant Timothy Pope has filed a motion for modification or reduction of sentence pursuant to 18 U.S.C. §3582(c)(2) based on the modification of the Drug Quantity Table with respect to cocaine base (crack cocaine).

Section 3582(c)(2) permits a court to reduce the term of imprisonment of a defendant who has been sentenced based on a sentencing range that has subsequently been lowered by the Sentencing Commission. 18 U.S.C. § 3582(c)(2). Amendment 706 and 711 of the United States Sentencing Guidelines modified the Drug Quantity Table with regard to cocaine base (crack cocaine). These modifications were made retroactive effective March 8, 2008. U.S.S.G. § 1B1.10(c).

However, Defendant Pope is not eligible for a sentence modification for two reasons. First, he was sentenced as a career offender. Second, Amendment 706 does not lower his guideline computation. Accordingly,

IT IS HEREBY ORDERED that Defendant Timothy Pope's motion for modification of

sentence pursuant to 18 U.S.C. § 3582(c)(2) (Dkt. #105) is **DENIED**.

Date: October 9, 2009

/s/ Paul L. Maloney

Paul L. Maloney
Chief United States District Judge